

**2004**

**STATE OF NEBRASKA**

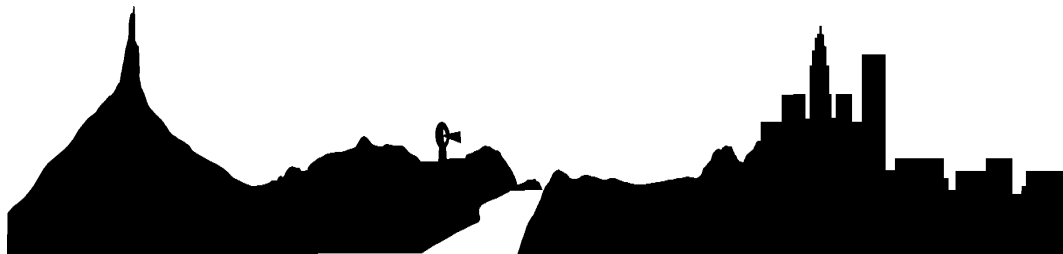
Regulations Relating to:

**ANALYSES FOR THE DETERMINATION  
OF THE ALCOHOL CONTENT  
IN BLOOD OR BREATH**

**TITLE 177 NAC 1**

**NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM**

Department of Health and Human Services Regulation and Licensure



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**Effective Date of Amendments:**

**February 22, 2004**

Last Filed:

September 1990, March 3, 1998, December 29, 1998,  
March 10, 2002

TITLE 177 NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION  
AND LICENSURE

CHAPTER 1 RULES AND REGULATIONS RELATING TO ANALYSES FOR THE DETERMINATION  
OF THE ALCOHOL CONTENT IN BLOOD OR BREATH

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## ATTACHMENTS

TITLE 177	-	NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION AND LICENSURE
CHAPTER 1	-	RULES AND REGULATIONS RELATING TO ANALYSES FOR THE DETERMINATION OF THE ALCOHOL CONTENT IN BLOOD OR BREATH

#### 001 DEFINITIONS

001.01 Alcohol means ethyl alcohol.

001.02 Alcohol analysis means the use of a chemical test to determine the concentration of alcohol per 100 milliliters of blood, or the concentration of alcohol per 210 liters of breath.

001.03 Analyst means a holder of a Class A, B, or C permit.

001.04 Breath means exhaled lung air that is used for alcohol analysis which contains a large portion of air from the alveolar region of the lungs where the exchange of gases between the blood and air occurs.

001.05 Breath simulator solution means a premixed, certified ethyl alcohol and water solution.

001.06 Breath testing means the analysis of breath for alcohol content.

001.07 Body fluid refers to blood or breath.

001.08 Categories of Permits.

001.08A Class A Permit is a permit to perform a chemical test to analyze a subject's blood for alcohol content by an approved laboratory method.

001.08B Class B Permit is a permit to perform a chemical test to analyze a subject's breath for alcohol content by an approved method.

001.08C Class C Permit is a permit to perform preliminary breath tests for alcohol content by an approved method.

001.09 Chemical test means an examination which measures the alcohol content in a chemical reaction, or chemical transformation such as infrared absorption.

001.10 Department means the Department of Health and Human Services Regulation and Licensure.

001.11 HHSR&L means the Department of Health and Human Services Regulation and Licensure.

001.12 Into service means that an instrument is being placed for the first time at a testing site, not when it is returned from being repaired.

001.13 Instrument means an item of testing equipment used for performing chemical tests.

001.14 Laboratory method means a chemical analysis using laboratory procedures and instrumentation.

001.15 Maintenance officer means the person responsible for maintenance and calibration verification at a testing site.

001.16 Method means the name of the principle of analysis. The method may be a laboratory method.

001.17 mg/ml means milligrams per milliliter.

001.18 Record card means the card or tape printed by an evidentiary breath testing device.

001.19 Refusal or deficient sample means the failure to provide a sufficient sample of body fluid to complete a blood or breath test or the refusal to submit to a chemical test of blood or breath.

001.20 Stoppered means any cork, plug, or other object used to close a bottle, drain, tube and so on, to prevent leakage of liquid or vapor.

001.21 Technique means a set of written instructions which describe the procedure, equipment, and equipment preventive maintenance necessary to obtain an accurate alcohol content test result.

001.22 Test means a chemical analysis to determine the presence of or quantification of alcohol.

001.23 Test run means the performance of test(s) which begin at a time and are carried to completion for a sample, or samples grouped in a consecutive manner.

001.24 Testing site means the physical location where a testing device(s) is located; and where testing is conducted.

001.25 Valid permit means a permit which has been executed with proper legal authority and is in force, and allows the holder of the permit to perform alcohol tests by the method listed on the permit. Permits issued under Rule 3 are valid permits; 177 NAC 1 was formerly entitled Rule 3 of the State Health Department. Permits issued under prior versions of 177 NAC 1 are valid permits.

001.25A Previously issued Class C permits that list Attachment 18 as the approved technique are valid permits. Attachment 18 has been replaced by Attachment 4, and operators are to adhere to the current rules.

001.26 Valid test means an analysis performed according to methods approved by the Department by an individual possessing a valid permit.

## 002 REPORT OF ALCOHOL TEST RESULTS FOR MEDICO-LEGAL PURPOSES

002.01 Breath Test Results. Report of Breath Test Results of a test for alcohol content of breath shall be reported as hundredths or thousandths of a gram of alcohol per 210 liters of breath on the checklist. Test results shall not be rounded upward. For example, an analysis producing a result of .138 shall be reported as .13 or as .138.

002.01A No digital result shall be reported on the checklist unless the device has received a sufficient breath sample and completely executes its prescribed program and prints a test record card to indicate that the program has been completed.

002.01B Prescribed Program. When a breath testing device fails to print a record card or the record card indicates an incomplete or deficient sample, this indicates that the device has not completed its prescribed program. Such deficient sample does not constitute a completed test or sufficient sample of breath and would be considered to be a refusal. Such deficient sample does not constitute a completed test, but is scientifically probative up to the amount indicated by the testing device at the time that the breath testing procedure stopped.

002.01C The completed checklist as found in these rules and regulations shall be the official record of breath test results.

002.01D The printing of a test record card indicates that the prescribed program of the evidentiary breath testing device has been completed.

002.01D1 Preliminary breath testing devices are not required to produce a printed test record. When a sufficient breath sample is provided, the results of a preliminary breath test may be reported as a digital readout or as a pass or fail.

002.01E Record Requirements in Performance of Tests. The testing records must show adherence to the approved method, and techniques.

002.02 Blood Test Results. Results of a test of blood for alcohol content shall be reported in terms of hundredths or thousandths of a gram of alcohol per 100 milliliters of blood. Rounding upward of the test results shall not occur. For example, an analysis producing a result of .138 shall be reported as .13 or as .138.

## 003 PERMITS

003.01 Permit Issuance. The permit shall be issued by the Department, and shall state the class of permit, and the approved method. The Department shall keep record of all permits issued.

003.02 Duplicate permits. The department may issue a duplicate permit, when a written request is received from the permit holder.

003.03 Application. The applications shall be Attachment 8, Attachment 9, or Attachment 10, attached and incorporated herein by reference.

003.04 Name Change. The department may reissue a permit, when a permit holder changes his or her name and a written request is received from the permit holder.

#### 004 REVOCATION OF PERMITS

004.01 Class A, B, or C permits are nonexpiring permits. Class A, B, or C permits may be revoked by the Department whenever the Department determines a permit holder is in noncompliance with these rules and regulations.

#### 005 BLOOD SPECIMEN COLLECTION AND PRESERVATION

005.01 Blood specimens shall be taken by personnel authorized by law. The antiseptic solution used shall be non-alcoholic.

005.02 Blood specimens shall be collected in clean containers and stoppered. The container shall contain an anticoagulant-preservative substance.

005.03 Specimen containers shall be labeled and shall show the following information on the label: name of person tested, date and time of specimen collection, and initials of person collecting the specimen.

005.04 While not in transit to be tested, or while not under examination, all blood specimens shall be refrigerated as soon as practical.

#### 006 CLASS A PERMITS

006.01 Qualifications for Class A Permit Holder. A Class A permit holder shall have knowledge of the chemistry of alcohol and other substances of proper concern in body fluid alcohol tests and the ability to perform satisfactory tests for alcohol as demonstrated by:

006.01A Twelve semester hours of academic work in chemistry from a recognized college or university, or

006.01B Two years of experience consisting of performance of routine laboratory tests in a usual and customary laboratory organization.

#### 006.02 Issuance of Class A Permits.

006.02A Applications for Class A permits shall be made on Attachment 8, attached and incorporated herein by reference.

006.03 Initial Performance Evaluation Studies Prior to Permit Issuance. A performance evaluation study for permit issuance shall consist of four audit samples. Satisfactory performance of analyses on the audit samples is defined as the ability to produce acceptable data on all samples.

006.03A Unacceptable data is defined, for the purpose of section 006 of these regulations, as an error in the analysis of an audit sample greater than a 10.00% deviation. Percent deviation shall be computed as the total deviation from the mean value, divided by the mean value, and multiplied by 100.

006.03B Results on audit samples shall be reported to the third decimal point.

006.03C A prospective permit holder shall be allowed two attempts to produce acceptable data.

006.04 List of Approved Methods for Class A Permits.

- 1 Gas Chromatography
  - a. Headspace analysis
  - b. Direct Injection
  - c. Automated Headspace
- 2 Enzymatic Alcohol Dehydrogenase
  - a. DuPont Company
  - b. Sigma Chemical Company
  - c. Calbiochem Company
  - d. Roche Diagnostics Company
- 3 Radiative Energy Attenuation Utilizing The Abbot TDx or TDxFLx Analyzer
- 4 Radiative Energy Attenuation Utilizing the Abbott ADx Analyzer

006.04A Gas Chromatography.

006.04A1 The headspace analysis for alcohol content in blood specimens using a gas chromatograph is an approved method and must be performed in a manner to include at least the following technique.

006.04A1a Using several containers being 55 ml to 65 ml in size and capable of being closed, prepare to test by placing a measured amount of potassium carbonate solution into each container. Prepare one container each for the sample of the person to be tested, for the standard sample, and for the quality control sample. Additional samples of persons to be tested do not require additional quality control samples and standard samples if all tests are performed together in the same test run. Test runs started again at a different time require quality control and standard samples to again be included in the run.

006.04A1b Add a measured amount of each sample into its respective container, close the container, and gently mix the contents.

006.04A1c Place the containers together in a draft-free area for at least 45 minutes to equilibrate.

006.04A1d After the equilibration in 006.04A1c inject a measured amount of the headspace contents into any gas chromatograph having the following minimum specifications:

006.04A1d(1) contain a gas sampling valve,

006.04A1d(2) contain a temperature controlled oven for the column(s),

006.04A1d(3) contain a flame ionization detector or a thermal conductivity detector,

006.04A1d(4) provide separation, detection, and measurement of alcohol free from acetone, and

006.04A1d(5) produce a recorded graphic presentation of the



measured amount of alcohol.

006.04A1e Calculation based upon the standard sample value is to be used to determine the final alcohol concentration of the test.

006.04A2 The determination of alcohol content in blood specimens by direct injection into a gas chromatograph is an approved method and must be performed in a manner to include at least the following technique:

006.04A2a Using several test tubes, prepare to test by placing a measured amount of an internal standard into each of the test tubes designated for the sample of the person to be tested, the standard sample, and the quality control sample. Additional samples of persons to be tested do not require additional quality control and standard samples if all tests are performed together in the same test run. Test runs started again at a different time require quality control and standard samples to again be included in the run.

006.04A2b To each of the designated test tubes in the preceding part 006.04A2a, add a measured amount of the sample of the person to be tested, the standard sample, and the quality control sample to their respective test tubes.

006.04A2c Close the test tubes and mix contents.

006.04A2d Inject measured amounts of contents of each test tube into any gas chromatograph having the following minimum specifications:

006.04A2d(1) contain a temperature controlled oven for the column(s),

006.04A2d(2) contain a flame ionization detector or a thermal conductivity detector,

006.04A2d(3) provide separation, detection, and measurement of alcohol free from acetone, and

006.04A2d(4) produce a recorded graphic presentation of the measured amount of alcohol.

006.04A2e Calculation based upon the standard sample value and the internal standard is to be used to determine the final alcohol concentration of the test.

006.04A3 Automated Headspace Gas Chromatography. The automated headspace analysis for alcohol content in blood specimens using a gas chromatograph is an approved method and must be performed in a manner to include at least the following technique.

006.04A3a Using several headspace vials, prepare to test by placing a measured amount of an internal standard into each of the headspace vials designated for the sample of the person to be tested, the standard sample, and the quality control sample. Additional samples of persons to be tested do not require additional quality control and standard

samples if all tests are performed together in the same test run. Test runs started again at a different time require quality control and standard samples to again be included in the run.

006.04A3b To each of the designated headspace vials in the preceding part 006.04A3a, add a measured amount of the sample of the person to be tested, the standard sample, and the quality control sample to their respective headspace vials.

006.04A3c Seal the cap of the headspace vials and mix the contents.

006.04A3d Inject a uniform amount of contents of each headspace vial into any automated gas chromatograph having the following minimum specifications.

006.04A3d(1) The autosampler has the following minimum specifications:

006.04A3d(1)(a) contain a temperature controlled heating unit,

006.04A3d(1)(b) provides a constant volume injected,

006.04A3d(1)(c) provides equilibration at the same time and temperature for all standards, samples, and quality control samples.

006.04A3d(2) The gas chromatograph has the following minimum specifications.

006.04A3d(2)(a) contains a temperature controlled oven for the column(s).

006.04A3d(2)(b) contains a flame ionization detector or a thermal conductivity detector,

006.04A3d(2)(c) provides separation, detection, and measurement of alcohol free from acetone, and

006.04A3d(2)(d) produces a recorded graphic presentation of the measured amount of alcohol.

006.04A3e Calculation based upon the standard sample values and the internal standard values are to be used to determine the final alcohol concentration of the test.

006.04B Enzymatic Alcohol Dehydrogenase.

006.04B1 The DuPont Company method utilizing alcohol dehydrogenase to determine the alcohol content of blood with the use of an automatic clinical analyzer (ACA) is an approved method and must be performed in a manner to include at least the following technique:

006.04B1a Maintain the laboratory stored reagent packs containing the alcohol dehydrogenase (ADH) at 2 to 8 degrees C, or as specified on

reagent pack, prior to use for the test. Reagent packs shall not be used beyond their expiration date.

006.04B1b Whole blood specimens must be treated with trichloroacetic acid to produce a protein-free supernatant fluid for testing. Hemolyzed specimens must be treated also with trichloroacetic acid.

006.04B1c Fill a sample cup of the automatic clinical analyzer (ACA) with the supernatant fluid from step 006.04B1b, and cover sample cup. Attach identification card to the sample cup.

006.04B1d Place sample kit into the ACA input tray followed by a reagent pack.

006.04B1e Repeat steps 006.04B1c and 006.04B1d using a quality control sample and a standard sample. Additional samples of persons to be tested do not require additional quality control and standard samples if all tests are performed together in the same test run. Test runs started again at a different time require quality control and standard samples to again be included in the run.

006.04B1f Arrange the sample tray sequence in this order: standard/reagent pack, sample of person to be tested/reagent pack, quality control/reagent pack, standard/reagent pack, and end of run kit.

006.04B1g Release pack follower and press operate button.

006.04B1h Convert the ACA recorded result of mg/dcl to hundredths of a gram per 100 milliliters for the final alcohol concentration of the test. If a trichloroacetic acid protein-free supernatant was used for testing, use the appropriate multiplication factor to report the final alcohol concentration of the test.

006.04B2 The Sigma Chemical Company method utilizing alcohol dehydrogenase to determine alcohol content in blood specimens is an approved method and must be performed in a manner to include at least the following technique:

006.04B2a Maintain the laboratory stored vials of alcohol dehydrogenase (ADH) below 0 degrees C, or as specified on reagent pack, prior to use for the test.

006.04B2b Prepare a protein-free supernatant fluid from the whole blood specimen of the person to be tested using trichloroacetic acid solution.

006.04B2c Mix together in a test tube or vial measured amounts of ADH, specified buffer, and the supernatant fluid from 006.04B2b. Incubate this mixture in a capped vial for at least 10 minutes at any temperature between 22 and 37 degrees C.

006.04B2d As steps 006.04B2b, and 006.04B2c are performed for the test, also perform steps 006.04B2b and 006.04B2c for a blank, a standard sample and a quality control sample. Additional samples of persons to be tested do not require additional quality control and standard samples if all tests are performed together in the same test run. Test runs started again at a different time require quality control and standard samples to again be included in the run.

006.04B2e Following the incubation specified in step 006.04B2c, read and record absorbances at 340 nm in a spectrophotometer and calculate alcohol test concentration in hundredths of a gram per 100 milliliters. Any spectrophotometer capable of transmitting light at a wavelength of 340 nm, and of having a wavelength calibration within 12 nm is satisfactory, provided that:

006.04B2e(1) If a spectrophotometer is used with a band width less than 10 nm and a 1-cm cuvette is used, the final alcohol concentration of the test may be calculated by directly using the change in absorbance, or

006.04B2e(2) If a spectrophotometer is used with a band-width between 10 nm and 20 nm, a calibration curve must be prepared by the usual laboratory procedure. This calibration curve is to be used to determine the final alcohol concentration of the test.

006.04B3 The Calbiochem Company method utilizing alcohol dehydrogenase to determine alcohol content in blood specimens is an approved method and must be performed in a manner to include at least the following technique:

006.04B3a Maintain the laboratory stored vials of alcohol dehydrogenase (ADH) at 2 to 8 degrees C, or as specified on reagent pack, prior to use for the test.

006.04B3b Prepare a 1:50 protein-free supernatant fluid from the blood specimen, if hemolyzed, of the person to be tested by using perchloric acid solution. For nonhemolyzed specimens prepare a 1:50 dilution with saline.

006.04B3c Mix together in a test tube or vial measured amounts of ADH and the supernatant fluid or the saline dilution from step 006.04B3b. Stopper the test tube or vial and mix contents and incubate by allowing to stand for at least 8 minutes but not more than 15 minutes.

006.04B3d As steps 006.04B3b and 006.04B3c are performed for the test, also perform steps 006.04B3b and 006.04B3c for a blank, a standard sample and a quality control sample. Additional samples of persons to be tested do not require additional quality control and standard samples if all tests are performed together in the same test run. Test runs started again at a different time require quality control and standard samples to again be included in the run.

006.04B3e Following the incubation specified in step 006.04B3c, read and record absorbances at 340 nm in a spectrophotometer and calculate

alcohol test concentration in hundredths of a gram per 100 milliliters. Any spectrophotometer capable of transmitting light at a wavelength of 340 nm, and of having a wavelength calibration within 12 nm is satisfactory, provided that:

006.04B3e(1) If a spectrophotometer is used with a band-width less than 10 nm and a 1-cm cuvette is used, the final alcohol concentration of the test may be calculated by directly using the change in absorbance, or

006.04B3e(2) If a spectrophotometer is used with a band-width between 10 nm and 20 nm, a calibration curve must be prepared by the usual laboratory procedures. This calibration curve is to be used to determine the final alcohol concentration of the test.

006.04B4 The Roche Diagnostics Company method utilizing alcohol dehydrogenase to determine the alcohol content in whole blood with the use of the automatic analyzer is an approved method and must be performed in a manner to include at least the following technique:

006.04B4a Maintain the laboratory stored reagent cassette containing alcohol dehydrogenase (ADH) at 2-8 degrees C, or as specified on the reagent cassette packaging.

006.04B4b Using calibrator solutions provided by Roche Diagnostics, calibrate the automatic analyzer to obtain a calibration curve. Calibration is required each time a reagent cassette is changed. Calibration may also be required if Quality Control values fall outside the expected limits. Calibrators are to be stored at 2 to 8 degrees C and shall not be used beyond the expiration date.

006.04B4c Whole blood collected in sodium fluoride tubes are visibly hemolyzed serum must be treated with 6% trichloroacetic acid (TCA) and centrifuged to obtain a protein free filtrate prior to analysis.

006.04B4d Remove the supernatant from the centrifuged whole blood/TCA mixture. Place in a COBAS cup for analysis in the sample rack. Place low and high level Quality Control (QC) material in the appropriate cups in the QC rack.

006.04B4e Place the QC rack and sample racks in the analyzer. Analysis will begin automatically as soon as the rack is introduced into the analyzer.

006.04B4f The analyzer calculates the alcohol content of the sample by comparing the result to the calibration curve stored in the instrument. Results are automatically printed by the analyzer. Multiply the result to compensate for the dilution used. The result is printed in mg/dl. Convert the result to gm/dl by moving the decimal point three places to the left.

006.04B4g After obtaining the printed result as outlined in step 006.04Bf of these regulations, compare the control values of the two levels of QC material to the posted two (2) standard deviation ranges for each control. Repeat the analysis if either of the two controls (or both) are outside the posted deviation ranges. Both levels of QC material must be analyzed with each run of Legal Alcohol specimens to assure a valid alcohol analysis.

006.04C Radiative Energy Attenuation Utilizing The Abbot TDx or TDxFLx Analyzer.

006.04C1 The radiative energy attenuation method utilizing alcohol dehydrogenase is an approved method to determine alcohol content in blood specimens, and must be performed in a manner to include at least the following technique:

006.04C1a Select an assay carousel for the Abbott Tdx or TDxFLx Analyzer.

006.04C1b Place the number of needed cuvettes and sample cartridges in the carousel beginning with position one and continuing sequentially. Do not skip a position. Lock cuvette into carousel.

006.04C1c Introduce at least 0.050 ml volume of specimen into the sample cartridge.

006.04C1d Remove reagent bottle caps and place the alcohol reagent pack into the TDx or TDxFLx Analyzer.

006.04C1e Place the loaded assay carousel on the spindle. Close the door, and press "RUN" button.

006.04C1f When using the TDxFLx Analyzer, at the prompt enter the appropriate ID for each sample and press store.

006.04C1g At the completion of the test run, obtain the print-out data.

006.04C1h Also upon completion of analysis, remove the carousel and discard its contents. If the reagent pack is not to be used immediately again, remove and store it at 2 to 8 degrees C.

006.04C1i A calibration curve shall be prepared at least monthly using a calibration carousel and at least 6 REA ethanol calibrators. The TDx or TDxFLx Analyzer calculated calibration curve or a data reduction system calibration curve shall be used to determine the final alcohol concentration in test specimens included in test runs.

006.04C1j An acceptable calibration curve shall meet all of the following three requirements. The requirements are:

- (1) a percent fluorescence intensity (polarization) error no greater than +/- 1.0,
- (2) a root mean squared error no greater than 1.0, and

- (3) the low, medium, and high controls printout readings within  $\pm .0075$ ,  $\pm .010$ , and  $\pm .020$  of the stated value on their respective vials.

006.04C1k Each test run shall include a low, medium, and high control. If runs contain more than twelve specimens, the controls shall be placed after the last specimens for a chemical test on the carousel.

006.04D Radiative Energy Attenuation Utilizing the Abbott ADx Analyzer

006.04D1 The radiative energy attenuation method utilizing alcohol dehydrogenase is an approved method to determine alcohol content in blood specimens, and must be performed in a manner to include at least the following technique:

006.04D1a Select an ADx carousel for the Abbott ADx Analyser.

006.04D1b Remove an alcohol cartridge from the reagent pack and invert several times. Remove vial caps and place the reagent cartridge into the carousel position "R" of the ADx Analyzer.

006.04D1c Load the appropriate number of sample cartridges and cuvettes for samples and controls to be analyzed in the run with this reagent cartridge, immediately after the reagent cartridge. Do not skip a position. Lock cuvettes into carousel.

006.04D1d Introduce at least 0.050 milliliter volume of specimen into cartridge.

006.04D1e Place loaded and locked carousel on the spindle. Close the door and press run. Enter sample identification information.

006.04D1f At the completion of the test run, obtain the printout of data including the initial intensity (blank) and the percent fluorescence intensity (polarization) and results.

006.04D1g Also, upon completion of the test run, remove the carousel and unlock the carousel. Remove the alcohol reagent cartridge and recap vials. If the reagent cartridge is not to be used immediately again, remove and store at 2 to 8 degrees C. Discard contents of the carousel.

006.04D1h A calibration curve shall be prepared at least monthly using an ADx access carousel and at least six (6) REA ethanol calibrators. An ADx Analyzer calculated calibration curve shall be used to determine the final alcohol concentration in test specimens in a test run.

006.04D1i An acceptable calibration curve shall meet all of the following three requirements. The requirements are:

- (1) a percent fluorescence intensity (polarization) error no greater than the  $\pm 1.0$ ,
- (2) a root mean squared error no greater than 2.0, and

- (3) the low, medium, and high controls printout readings within +/- .0075, +/- .010, and +/- .020 of the stated value on their respective vials.

006.04D1j Each test run shall include a low, medium, and high control. If a run contains more than twelve specimens, the controls shall be placed after the last specimens for a chemical test on the carousel.

006.05 Operating Procedures for Class A Permit. A Class A permit holder for the determination of alcohol content in blood shall:

006.05A Be responsible for maintaining the legal continuity of all specimens received.

006.05B Conduct all tests with an inclusion of a quality control sample in the test run. The quality control sample result shall be used to:

006.05B1 Determine standard deviation data computed as shown:

$$\text{Standard Deviation} = \sqrt{\frac{\sum (X - \bar{X})^2}{N - 1}}$$

where: N = number of measurements

X = value of single measurement

$\bar{X}$  = mean of all X's

006.05B2 Determine if test results are to be reported. No test results shall be reported if a quality control sample result is greater than +/- three standard deviations.

006.05C Make periodic reports of standard deviation data to the Department as requested.

006.05D Ongoing Performance Evaluation Studies for Permit Holders. Ongoing performance evaluation studies shall be in effect with acceptable performance for test results to be valid. An ongoing performance evaluation study shall be enrollment in the College of American Pathologists' Whole Blood Alcohol/Volatiles survey program or a survey program at the department's discretion. Unacceptable performance is defined as two or more values outside of the acceptable ranges in two successive survey shipments. Copies of proficiency testing evaluations shall be provided to the Department as requested.

006.05D1 Reporting of test results of alcohol content in blood of individuals shall not occur by a permit holder who has been notified of unacceptable performance in proficiency testing.

006.05D2 A permit holder shall be allowed two attempts to produce acceptable performance after being notified of unacceptable performance.



006.05D3 A permit holder shall not resume reporting of test results for alcohol content in blood of individuals until the Department notifies a permit holder that he/she is again in an acceptable performance status following an acceptable performance.

006.05E Maintain the following records:

006.05E1 The permit to perform chemical tests.

006.05E2 Records of specimen receipts, tests performed and results.

006.05E3 The method and description of technique steps in use by the permit holder.

006.05E4 Records of quality control results and related data as prescribed in part 006.05D of this subsection.

006.05E5 A current copy of these rules and regulations.

006.05E6 Records of maintenance performed on instrument.

006.06 Inspection, Maintenance, and Repair of Laboratory Instruments for Class A Methods.

006.06A Maintenance of instruments shall be performed as prescribed in the operators manual that is intended for an instrument which may be utilized to produce results with a technique in this regulation. Maintenance shall be performed by a person trained to do maintenance or a manufacturer's representative.

006.06B When inspection of a instrument reveals the need for repair, the repair shall be performed by a manufacturer's representative, or by a person trained for repair.

006.06C Malfunctions of instruments, maintenance activities, and repair occurrences shall be recorded and shall show the name of the person and the agency or business organization performing maintenance activities and repair work.

006.06D A Class A permit holder shall document that instrument maintenance has occurred with at least the frequency recommended by the manufacturer.

007 CLASS B PERMITS

007.01 Application for Class B Permit.

007.01A Application for a Class B Permit shall be made on a form prescribed by the Department as shown in Attachment 9, attached and incorporated by reference.

007.01B The Class B permit applicant shall attend an eight hour class that includes basic principles of the instrument, the method and technique, evidentiary uses, and legal matters. The class shall include performance evaluation studies and a written examination.

007.01C To earn a Class B permit, the applicant shall achieve at least 70% on a written examination from the Department.

007.01D Performance Evaluation Studies. A performance evaluation study for permit issuance shall consist of two samples. Satisfactory performance of analyses on the audit samples is defined as the ability to produce acceptable data on all samples.

007.01D1 Unacceptable data is defined, for the purpose of section 007 of these regulations, as an error in the analysis of an audit sample greater than a 10% deviation for solutions above .070. Percent deviation shall be computed as the total deviation from the mean value divided by the mean value and multiplied by 100. For solution values of .070 or less, the results must be within +/- .01 of the target value.

007.01D2 An applicant shall be allowed two attempts to produce acceptable data.

007.02 Operating Rules for Class B Permit. To determine the alcohol content in breath, a Class B permit holder shall:

007.02A Ascertain that maintenance and calibration checks have been performed on devices prior to testing by reviewing the maintenance records listed below:

007.02A1 the current 40-day maintenance and calibration check performed on the testing device, including

007.02A2 the results of the Department's report of the periodic 190 day device check sample.

007.02B Maintain or have access to the following records:

007.02B1 the permit to perform chemical tests,

007.02B2 a current copy of these rules and regulations,

007.02B3 checklist technique forms, test record cards, or tapes produced by testing device, and

007.02B4 the record of testing devices' repairs.

007.02C Use the appropriate checklist to record the test.

008 LIST OF APPROVED METHODS, BREATH TESTING INSTRUMENTS, CALIBRATION DEVICES, AND INTERNAL REFERENCE STANDARDS FOR CLASS B PERMIT HOLDERS

008.01 All evidentiary breath testing devices that have been evaluated and approved by the National Highway Traffic Safety Administration (NHTSA) and published on the Conforming Products Lists of Evidential Breath Measuring Devices are approved devices in the State of Nebraska. Prior to use of a NHTSA approved device, the checklist technique and operating procedures for that device must be included in these regulations.

008.01A Approved evidentiary breath testing methods and instruments, except preliminary breath testing devices, are listed below. These are the instruments that may be operated by the Class B permit holder.

- a. Intoxilyzer, all models
- b. Intoximeter Model 3000
- c. DataMaster, all models

008.01B Infrared absorption analysis using the Intoxilyzer Model 4011AS. Checklist technique as found in Attachment 3, attached and incorporated herein by reference, is approved for this method.

008.01C Infrared absorption analysis using the Intoximeter Model 3000. Checklist technique, as found in Attachment 13, attached and incorporated herein by reference, is approved for this method.

008.01D Infrared absorption analysis using the Intoxilyzer Model 5000, including all devices under the Model 5000 name. Checklist technique, as found in Attachment 15, attached and incorporated herein by reference, is approved for the Model 5000.

008.01E Infrared absorption analysis using the Model DataMaster and all instruments under the DataMaster name. Checklist technique, as found in Attachment 2, attached and incorporated herein by reference, is approved for the DataMaster.

008.02 All calibration equipment that has been approved by the National Highway Traffic Safety Administration and published on the Conforming Product List of Calibrating Units for Breath Alcohol Testers is approved for calibration and verification of calibration of breath testing devices.

008.03 Approved reference standards and their use in calibration verification of evidentiary breath testing devices are described below and shall be used by a Class B permit holder with the applicable instrument.

008.03A DataMaster with Internal Reference standard consisting of a known quartz filter used as a known standard specific to each instrument is an approved reference standard. Prior to placement into service at a testing site, the DataMaster device with the internal quartz standard shall have the calibration checked with an alcohol breath simulator solution.

008.03A1 Following the DataMaster calibration check, an internal calibration analysis shall be performed. The results of this internal calibration check must be within +/- 5% of the target value.

008.03A1a If the internal check is not within +/- 5%, the instrument will abort the test and "Calibration Error" is displayed and printed on the test record card.

008.03A2 The DataMaster is then to be rechecked for calibration with a breath alcohol simulator solution.

008.03A3 Attachment 5, attached and incorporated herein by reference, shall be used for certifying the accuracy of the internal quartz standard used for calibration checks.

008.03B 4011 AS - INTOXILYZER REFERENCE STANDARD, manufactured by CMI, Inc., and consisting of a beam attenuator accessory is an approved reference standard provided the target value of the reference standard has been verified according to the following steps and certified prior to placement into service at a testing site.

008.03B1 The testing device used to certify the beam attenuator reference standard shall have its calibration checked with an alcohol breath simulator solution.

008.03B2 Following the Intoxilyzer calibration verification check, ten analyses shall be performed on the beam attenuator reference standard. The average of the ten analyses shall be the assigned target value for that beam attenuator reference standard.

008.03B3 Following the preceding step, the Intoxilyzer is to be rechecked for calibration with the alcohol breath simulator solution. -

008.03B4 Attachment 7, attached and incorporated herein by reference, shall be used for certifying the accuracy of the beam attenuator.

008.03C INTOXILYZER MODEL 5000 INTERNAL REFERENCE standard consisting of filters of predetermined values which correspond to the calibration setting of the instrument is an approved reference standard.

008.03C1 Prior to placement into service, the Intoxilyzer breath testing device with the internal reference standard(s) shall have the calibration checked with an alcohol breath simulator solution.-

008.03C2 Following the Intoxilyzer 5000 calibration check, an internal calibration analysis shall be performed. The result of this internal calibration check must indicate that all predetermined target values are within +/- 5% of the target values.

008.03C2a If any of the internal standards are not within +/- 5% of the target values, the instrument will abort the test and indicate the error by displaying and printing an error message.

008.03C3 The Intoxilyzer 5000 is to be rechecked for calibration with an alcohol breath simulator solution.

008.03C4 Attachment 12, attached and incorporated herein by reference, shall be used for certifying the accuracy of the internal calibration reference standards.

008.04 Alcohol breath simulator solutions. Testing device calibration and calibration verification shall be performed using solutions as follows:

008.04A The alcohol breath simulator solutions must be prepared with a certificate of Analysis as shown in Attachment 1, attached and incorporated herein by reference.

008.04B Alcohol breath simulator solution can be used for twenty analyses when used with devices that do not use vapor recirculation. The solutions may be used for 200 analyses for devices that use vapor recirculation.

008.04C Alcohol breath simulator solution may be stored at ambient room temperature. It shall be stored in a tightly stoppered device or other tightly stoppered container. The useful life of an alcohol breath simulator solution is 24 months.

#### 009 MAINTENANCE OFFICER

009.01 Each testing site shall have a maintenance officer(s) who is responsible for maintenance and calibration verification of the testing device(s). The maintenance officer shall:

009.01A Be a Class B permit holder, and

009.01B Be familiar with the testing device as a result of consultation with a manufacturer representative or other individual knowledgeable about the use of the device.

009.01C Notify the Department of the name of the maintenance officer(s) for each site and the serial number of each unit for which the maintenance officer is responsible.

009.02 The maintenance officer is responsible for the 190 day calibration verification and the 40-day maintenance check.

009.02A 190 day check Evidentiary breath testing devices shall have been checked by the maintenance officer with a simulator check sample within 190 days prior to an analysis.

009.02A1 The Department shall provide a simulator check sample to the maintenance officer. For values above .070, a check sample result shall show the testing device is capable of producing a result within  $\pm 10.00\%$  deviation of the simulator check sample value. For values of .070 or less, the results must be within  $\pm .010$  of the target value. Results shall be reported to the Department which will calculate the percent deviation. It will issue reports of the percent deviation to the submitting permit holder and shall state the dates of the period covered by a simulator check sample. Percent deviation shall be computed as the deviation from the known value divided by the known value and multiplied by 100.

009.02A2 The department will put an instrument out of service if a check sample shows the testing device to be incapable of producing a result within the above deviation.

009.02B 40 day check Scheduled maintenance procedures for all approved evidentiary breath testing devices. Check the general condition of the instrument within 40 days prior to an analysis. This includes inspection of all display and operation lights and verify printer operation. Record observations and corrections made.

010 CALIBRATION VERIFICATION. Calibration verification of evidentiary breath testing devices may be performed in any of three ways: a certified alcohol breath simulator solution, internal standards, or a beam attenuator.

010.01 When calibration verification checks are performed with certified alcohol breath simulator solutions, all approved evidentiary breath testing instruments shall be able to produce results within  $\pm .010$  of the target value of the certified simulator solution.

010.02 When calibration verification checks are performed by means of approved internal standard(s), all approved evidentiary breath testing instruments shall be able to produce results within +/- 5% of the target values of the standard(s). This tolerance shall be verified by the normal prescribed program and operation of the testing devices.

010.03 When calibration verification checks are performed for the Intoxilyzer 4011AS with a beam attenuator, the result of such verification must be an instrument reading to be within +/- 0.010 of the target value of the beam attenuator reference standard.

010.04 If the instrument calibration cannot be verified to be accurate within the above cited limits, the instrument will be taken out of service and repairs made.

## 011 REPAIR OF CLASS B BREATH TESTING DEVICES

011.01 When inspection of a testing device reveals the need for repair, the repair shall be performed only by a manufacturer's representative, or an individual trained for repair, or a person trained for repair and responsible at a site for scheduled maintenance of testing devices.

011.02 Repair of a testing device includes the removal of the malfunctioning part(s) and the installation of the repair part(s). The removal or installation of all parts or electronic boards shall be recorded.

011.03 Calibration verification procedures shall be performed on a testing device following its repair, before it is returned to service.

011.04 The records to be maintained for repair activities shall include the type of malfunction of a testing device, the nature of the repair, the date of the repair, and shall show the name of the person performing these activities or the name of the person's agency or business organization.

011.05 The repair records, or copies of the repair records, for a testing device shall be made available to the Department upon request.

## 012 CLASS C PERMITS

012.01 Qualifications For Class C Permit Holders. Permit holder qualifications to operate approved devices to perform preliminary breath tests are:

012.01A Have knowledge of calibration and use of the testing device.

012.01A1 Evidence of knowledge shall be a passing grade of at least 70% on a written examination which shall be taken by every applicant and successfully passed prior to issuance of a permit, be prepared and administered by the Department, and consist of questions regarding calibration and use of the testing device.

012.01B Have demonstrated ability and competence to the satisfaction of the Department by completing a two and one half hour class and the satisfactory performance of analyses on audit samples.

012.01B1 Unacceptable performance on audit samples is defined as an error in the analyses greater than +/- 0.015 of the target value.

012.01B2 A prospective permit holder shall be allowed two attempts to achieve acceptable results of audit samples.

012.02 Issuance of Class C Permit.

012.02A Application for a Class C Permit shall be made on Attachment 10, attached and incorporated herein by reference.-

012.02B A Class C Permit is valid for all approved preliminary breath test instruments.\_

012.03 List of Approved Methods and Devices for Class C Permits. Fuel cell analysis is the approved method of analysis for the following preliminary breath testing devices, and the checklist technique as found in Attachment 4, attached and incorporated herein by reference, is approved for the following preliminary breath testing devices.

- a. Alco-Sensor, all models.
- b. Intoxilyzer, all models that use fuel cell analysis
- c. Lifeloc , all models that use fuel cell analysis

012.04 Maintenance, and Repair of Preliminary Breath Testing Devices.

012.04A The periodic fuel cell replacement, recognized by inspection when it is not possible to adjust the calibration up to the desired value, shall be performed by a manufacturer's representative or person trained by manufacturer.

012.04B The periodic electrical battery replacement, recognized when the light display indicates a low battery, may be performed by a permit holder.

012.04C Repair of a testing device shall be performed by a manufacturer's representative or a person trained by the manufacturer.

012.04D Malfunctions of testing devices, maintenance, and repair occurrences shall be recorded and shall show the name of the agency or business organization performing these activities.

012.05 Calibration of Testing Devices. All preliminary breath test devices are to be calibrated, or calibration verified, every 30 days, and a record kept of the activity.

013 BLOOD OR BREATH TESTS FOR FATALITY ACCIDENT REPORTS

013.01 Tests performed for purposes of fatality accident reporting shall be performed by either a Class A permit holder or a Class B permit holder according to these rules and regulations.

013.02 The provisions of these rules and regulations apply to all samples and tests prescribed in Nebraska Revised Statutes sections 60-6,101 to 60-6,107 for determining alcohol content of blood in certain persons involved in fatality accidents.

014 BLOOD OR BREATH TESTS FOR BOATING WHILE INTOXICATED

014.01 Chemical tests performed for purposes of the determination of the alcohol content in blood or breath of any person operating any motorboat or vessel or manipulating any water skis,

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REGULATION AND LICENSURE

177 NAC 1

surfboard, or similar device while intoxicated shall be performed by either a Class A permit holder or a Class B permit holder, as authorized by Nebraska Revised Statutes Section 37-1254.

014.02 The provisions of these rules and regulations apply to all preliminary breath testing conducted pursuant to the provisions of Nebraska Revised Statutes Section 37-1254. Any violation of the provisions of Nebraska Revised Statutes Section 37-1254 shall be established by blood or breath tests conducted by either a Class A permit holder or a Class B permit holder with all provisions of this Rule, 177 NAC 1, pertaining to either a Class A or Class B permit applying thereto.

These Amended Regulations Replace Title 177, Chapter 1, Rules and Regulations Relating to Analyses for the Determination of the Alcohol Content in Blood, Breath, or Urine While Driving or Boating under the Influence of Alcohol, last effective date **March 10, 2002**.

Approved by the Attorney General:	January 28, 2004
Approved by the Governor:	February 17, 2004
Filed with the Secretary of State:	February 17, 2004

**EFFECTIVE DATE: February 22, 2004**





## Chemical Analysis Certification of Alcohol Breath Simulator Solution

I, \_\_\_\_\_, do hereby certify, depose and state that I am designated by the Department of Health and Human Services Regulation and Licensure in Lincoln, Nebraska, as a supplier of alcohol breath simulator solutions.

1. That on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_(year), I prepared the alcohol breath simulator solution numbered \_\_\_\_\_ at a value of .080 of a gram of alcohol per 210 liters of breath (+/- 0.002) when used in an approved simulator operating at 34 degrees +/- 0.5 degrees C.

2. That on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_(year), I conducted a chemical analysis of the above solution and the analysis revealed the value to be \_\_\_\_\_g/210L.

3. That on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_(year), the container of above solution was sealed by \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Official)

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

Affirmed to before me and subscribed in my presence on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_(year).

\_\_\_\_\_  
(Notary Public)



Department of Regulation and Licensure  
Credentialing Division  
P.O. Box 94986, Lincoln, Nebraska 68509-4986  
402-471-2117

## DATAMASTER Checklist Technique

This checklist technique is approved and prescribed by 177 NAC 1 of the HHSR&L for the INFRARED ABSORPTION ANALYSIS USING THE DATAMASTER TESTING DEVICE, FOR BREATH SPECIMENS.

This analysis is on the breath specimen from:

\_\_\_\_\_  
(Name of Person Tested)

### CHECK TO SHOW COMPLETION

- ☐ Prior to step 1, verify that maintenance, repair, and calibration verification have been performed by reviewing the maintenance record.
- ☐ 1. Turn the instrument on if off.
- ☐ 2. Observe subject for 15 minutes prior to testing. No smoking during this waiting period. Record the time observation began: \_\_\_\_\_
- ☐ 3. Attach a clean mouthpiece when instructed to "Please Blow".
- ☐ 4. Have the subject blow into the breath tube until a sufficient sample is delivered. If the breath sample is insufficient the display panel will instruct you to "PLEASE BLOW" and will continue to do so until a proper test is completed. The testing device will terminate the test if a proper breath test has not been obtained in two minutes.
- ☐ 5. SUBJECT DIGITAL READING: 0. \_\_\_\_\_ of a gram of alcohol per 210 liters of breath.
- ☐ 6. Discard the used mouthpiece and remove the evidence ticket at completion of printing.
- ☐ 7. Turn instrument off unless continued use is needed.

\_\_\_\_\_  
Permit Holder

\_\_\_\_\_  
(Date)



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## INTOXILYZER MODEL 4011AS Checklist Technique

This checklist technique is approved and prescribed by 177 NAC 1 of the HHSR&L for the INFRARED ABSORPTION ANALYSIS USING THE TESTING DEVICE, INTOXILYZER MODEL 4011AS FOR BREATH SPECIMENS.

This analysis is on the breath specimen from \_\_\_\_\_  
(Name of Person Tested)

### CHECK TO SHOW COMPLETION

- ☐ Prior to step 1, verify that maintenance, repair and calibration verification have been performed by reviewing the maintenance record.
- ☐ 1. Turn "Power" switch to "on" and wait for green "Ready Light" to come on (if instrument is off).
- ☐ 2. Observe subject at least 15 minutes prior to testing. No smoking during this waiting period. Record the time observation began: \_\_\_\_\_
- ☐ 3. Insert Test Record Card into instrument (hard side of card facing the operator), connect breath tube to pump tube.
- ☐ 4. Turn mode selector switch to "Zero Set", depress "Zero Adjust" knob to read non-minus .000, .001, .002 or .003.
- ☐ 5. Turn mode selector switch to "Air Blank".
- ☐ 6. After "Air Blank" cycle is completed, turn mode selector switch back to "Zero Set". Rezero if necessary (Step 4).
- ☐ 7. Turn mode selector to "Calibrator", place Beam Attenuator in slot and allow instrument to run through cycle.
- ☐ 8. Digital Reading of Beam Attenuator is: \_\_\_\_\_. Beam Attenuator target value is: \_\_\_\_\_
- ☐ 9. Remove the Beam Attenuator.
- ☐ 10. Turn mode selector to "Zero Set". Rezero if necessary.
- ☐ 11. Turn mode selector switch to "Breath" mode. Disconnect the pump tube from the breath tube and insert mouthpiece in breath tube. Have subject blow into the breath tube until a sufficient sample is delivered. If the breath sample is insufficient, air blank the Intoxilyzer beginning with Step 5 and repeat Steps 6 and 11, and proceed with the checklist technique from Step 11.
- ☐ 12. Subject digital reading: 0. \_\_\_\_\_ of a gram of alcohol per 210 liters of breath. Time sample taken: \_\_\_\_\_
- ☐ 13. Reconnect pump and breath tubes, turn mode selector to "Air Blank".
- ☐ 14. After "Air Blank" cycle is complete, remove the test card. Turn to "Zero Set".
- ☐ 15. Turn instrument off unless continued use is needed. Discard the mouthpiece.

\_\_\_\_\_  
Permit Holder

\_\_\_\_\_  
(Date)



## **Checklist Technique To Be Used by Class C Permit Holders for Preliminary Breath Tests**

This analysis was on the breath specimen from: \_\_\_\_\_  
(name of person tested)

### **CHECK TO SHOW COMPLETION**



Prior to step 1, verify that the instrument has been calibrated within 30 days prior to use.-



1. Observe the subject for 15 minutes prior to testing. No smoking during waiting period.

Time observation began: \_\_\_\_\_



2. Attach the mouthpiece and prepare the instrument for testing.



3. Instruct the subject to blow continuously as long as possible with the breath sample taken toward the end of exhalation.



4. Record the results and the time the test was taken.

Results: \_\_\_\_\_ Time sample was taken: \_\_\_\_\_

Test administered by:

\_\_\_\_\_  
(Permit Holder)

\_\_\_\_\_  
(Date)



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**DATAMASTER**  
**Certification of Accuracy of the Internal Reference Standard**  
**used for Calibration Verification**

Datamaster Serial Number: \_\_\_\_\_



Simulator is operating at 34 degrees +/- 0.5 degrees C.

1. Calibration check with simulator solution number: \_\_\_\_\_ gave a reading of 0. \_\_\_\_\_ of a gram of alcohol per 210 liters of simulated breath.
2. The internal calibration check indicated agreement within +/- 5% of the target value. Attach the test record to this form.
3. Datamaster reading with simulator solution check 0. \_\_\_\_\_ of a gram of alcohol per 210 liters of simulated breath.

The above analysis was performed as set forth on this form by: \_\_\_\_\_  
(Name of Permit Holder)

At this address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of analysis: \_\_\_\_\_

State of Nebraska )  
County of \_\_\_\_\_ ) ss.

\_\_\_\_\_  
(Signature of Permit Holder)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By \_\_\_\_\_ employed by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public



Department of Regulation and Licensure

Credentialing Division

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402-471-2117

ATTACHMENT 7

## INTOXILYZER MODEL 4011AS Certification of Accuracy of the Beam Attenuator Reference Standard

The undersigned analyst, having determined the target value of the Intoxilyzer Beam Attenuator Reference Standard Accessory identified below, hereby states the target value was determined as prescribed in 177 NAC 1 and as recorded below.

1. Reading of calibrated testing device is: 0. \_\_\_\_\_ of a gram per 210 liters of simulated breath. The simulator solution used was certified as solution number \_\_\_\_\_.

Was simulator operating within +/- 0.5 degrees of 34 degrees C? ☐ YES ☐ NO

2. Reading of ten analyses of Intoxilyzer Beam Attenuator reference standard accessory,  
serial number \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

3. Reading of calibrated testing device following Step 2: 0. \_\_\_\_\_ of a gram per 210 liters of simulated breath.

The target reading is \_\_\_\_\_ for the Intoxilyzer Beam Attenuator reference standard accessory which is to be used for the calibration verification of the Intoxilyzer Model 4011AS with serial number \_\_\_\_\_.

The above analysis was performed as set forth on this form

\_\_\_\_\_ at address \_\_\_\_\_  
(Typed or Printed Name of Permit Holder)

\_\_\_\_\_  
(Date of Analysis)

STATE OF NEBRASKA )

COUNTY OF \_\_\_\_\_ ) SS.

\_\_\_\_\_  
(Permit Holder's Signature)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year)

by \_\_\_\_\_

who was employed by \_\_\_\_\_



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 Credentialing Division  
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 402-471-2117

## Application for Class A Permit

The undersigned applicant hereby makes application for a Class A permit to perform chemical tests to determine blood alcohol content as prescribed in 177 NAC 1 of the Nebraska HHSR&L and as set forth below.

1. Identify method selected from list of approved methods for a Class A permit:

- ☐ Gas Chromatography
  - ☐ Headspace analysis
  - ☐ Direct Injection
  - ☐ Automated Headspace
- ☐ Enzymatic Alcohol Dehydrogenase
  - ☐ DuPont Company
  - ☐ Sigma Chemical Company
  - ☐ Calbiochem Company
  - ☐ Roche Diagnostics Company
- ☐ Radiative Energy Attenuation Utilizing The Abbot TDx or TDxFLx Analyzer
- ☐ Radiative Energy Attenuation Utilizing the Abbott ADx Analyzer

2. Attach laboratory technique and instrument maintenance plan.

3. Name of Laboratory instrument and the manufacturer: \_\_\_\_\_

4. Total semester hours of chemistry \_\_\_\_\_ completed at the following institutions:  
 (Hours)

- |                         |                  |
|-------------------------|------------------|
| (a) _____               | _____            |
| (College or University) | (City and State) |
| (b) _____               | _____            |
| (College or University) | (City and State) |
| (c) _____               | _____            |
| (College or University) | (City and State) |

Work experience consisting of performance of routine laboratory tests amounts to \_\_\_\_\_ from the  
 following laboratory, or laboratories. (Years)

- |                   |                  |
|-------------------|------------------|
| (a) _____         | _____            |
| (Laboratory Name) | (City and State) |
| (b) _____         | _____            |
| (Laboratory Name) | (City and State) |
| (c) _____         | _____            |
| (Laboratory Name) | (City and State) |
| (d) _____         | _____            |
| (Laboratory Name) | (City and State) |

5. A performance evaluation study will be conducted as prescribed for Class A Permits in 177 NAC 1 of the HHSR&L. A copy of this form will be returned to you with the audit samples. At that time record your audit sample results in the space provided on the back of the form.

ATTACHMENT 8 - Continued

PERFORMANCE EVALUATION STUDY

Number of Audit Sample	Your Analysis Results	FOR DEPARTMENT USE
		Mean Value of Audit Sample

\_\_\_\_\_  
Date of Analyses

\_\_\_\_\_  
(Print Name of Applicant First/Middle/Last)

\_\_\_\_\_  
(Applicant's Signature)

Address of testing performance:

Business (Laboratory) Name and Address as given below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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## Application for Class B Permit

The undersigned applicant hereby makes application for a Class B permit to perform chemical tests to determine body fluid alcohol content as prescribed in 177 NAC 1 of the Nebraska **HHSR&L** and as set forth below.

1. Identify device and method from the list of approved methods and devices for a Class B permit:

- ☐ Intoxilyzer Model 4011AS – Infrared absorption analysis (checklist technique Attachment 3)
- ☐ Intoximeter Model 3000 – Infrared absorption analysis (checklist technique Attachment 13)
- ☐ Intoxilyzer Model 5000 – Infrared absorption analysis (checklist technique Attachment 15)
- ☐ DataMaster – Infrared absorption analysis (checklist technique Attachment 2)

2. PERFORMANCE EVALUATION STUDY RESULTS as prescribed for Class B Permits in 177 NAC 1 of the **HHSR&L**. Record your audit sample results in the space provided below.

### PERFORMANCE EVALUATION STUDY

Number of Audit Sample	Your Analysis Results	FOR DEPARTMENT USE
		Mean Value of Audit Sample

\_\_\_\_\_  
(Type or Print Name of Applicant – First/Middle/Last)

\_\_\_\_\_  
Date of Analyses

Name and Address of Agency:

Agency Name: \_\_\_\_\_

Agency Address: \_\_\_\_\_

\_\_\_\_\_

Agency Phone #: \_\_\_\_\_

\_\_\_\_\_  
(Signed Name of Applicant)

\_\_\_\_\_  
(Date)



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## Application for Class C Permit

The undersigned applicant hereby makes application for a Class C permit to perform preliminary breath tests with breath testing devices as prescribed in 177 NAC 1 using fuel cell analysis.

1. PERFORMANCE EVALUATION STUDY RESULTS as prescribed for Class C Permits in 177 NAC 1 of the **HHSR&L**. Record your audit sample results in the space provided below.

### PERFORMANCE EVALUATION STUDY

Number of Audit Sample of Breath	Record Analysis Results	Target Value	

\_\_\_\_\_  
(Type or Print Name of Applicant – First/Middle/Last)

\_\_\_\_\_  
Date of Analyses

Name and Address of Agency:

Agency Name: \_\_\_\_\_

Agency Address: \_\_\_\_\_

\_\_\_\_\_

Agency Phone #: \_\_\_\_\_

\_\_\_\_\_  
(Signed Name of Applicant)

\_\_\_\_\_  
(Date)



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## Intoxilyzer Model 5000 Certification of Accuracy of the Internal Reference Standards used for Calibration Verification

Intoxilyzer Serial Number: \_\_\_\_\_



Simulator is operating at 34 degrees +/- 0.5 degrees C.

1. Calibration check with simulator solution number: \_\_\_\_\_ gave a reading of 0. \_\_\_\_\_ of a gram of alcohol per 210 liters of simulated breath.
2. The Internal Reference Standards Check indicated that all predetermined target values are within +/- 5% of the target values. Attach test record card of printed values to this form.
3. Intoxilyzer reading with simulator solution check 0. \_\_\_\_\_ of a gram of alcohol per 210 liters of simulated breath.

The above analysis was performed as set forth on this form by: \_\_\_\_\_  
(Name of Permit Holder)

At this address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of analysis: \_\_\_\_\_

State of Nebraska )  
County of \_\_\_\_\_ ) ss.  
\_\_\_\_\_ )

\_\_\_\_\_  
(Signature of Permit Holder)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By \_\_\_\_\_ employed by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Department of Regulation and Licensure

Credentialing Division

P.O. Box 94986, Lincoln, Nebraska 68509-4986

402-471-2117

## INTOXIMETER MODEL 3000 Checklist Technique

This checklist technique is approved and prescribed by 177 NAC 1 of the HHSR&L for the INFRARED ABSORPTION ANALYSIS USING THE INTOXIMETER MODEL 3000 FOR BREATH SPECIMENS.

This analysis is on the breath specimen from \_\_\_\_\_  
(Name of Person Tested)

### CHECK TO SHOW COMPLETION

- ☐ 1. An alcohol simulator standard is used to verify calibration; connect a simulator device and check calibration.
- ☐ 2. Observe subject for 15 minutes prior to testing. No smoking during this waiting period. Record the time observation began: \_\_\_\_\_
- ☐ 3. Connect the mouthpiece to the breath inlet line; press the START key.
- ☐ 4. Display will now request OPER+. The operator should enter his name or operator number, followed by a keyboard ENTER. Do not enter more than 14 characters.
- ☐ 5. If display requests I.D. NUMBER =, enter \_\_\_\_\_ followed by a keyboard ENTER.  
(Agency Should fill in I.D.)
- ☐ 6. Display will request SUBJ =. Up to 14 characters may be entered for the subject's name. This is followed by a keyboard ENTER.
- ☐ 7. The instrument will now automatically run a purge and blank sequence. "STD" will flash while Intoximeter 3000 is running either the external or internal standard. After the standard has been run, the display will flash "BLK", indicating that a Blank test is being conducted. When the Blank test is complete BLOW UNTIL STAR with "SUB" flashing will be displayed. The subject should blow into the breath line. If the subject is blowing hard enough a dash (--) will appear on the left side of the display and the harder the subject blows the more dashes (--) will appear. Time sample taken \_\_\_\_\_.
- ☐ 8. Subject should continue to blow into the instrument until the Operator observes a flashing star "\*" in the right-hand corner of the display. The star "\*" indicates that a proper sample has been taken. The test results will be displayed in a few seconds.
- ☐ 9. Press the PRINT key to print results and end the test sequence.
- ☐ 10. Test results 0. \_\_\_\_\_ of a gram of alcohol per 210 liters of breath.

\_\_\_\_\_  
(Permit Holder)\_\_\_\_\_  
(Date)



## **INTOXILYZER MODEL 5000 Checklist Technique**

This checklist technique is approved and prescribed by 177 NAC 1 of the HHSR&L for the INFRARED ABSORPTION ANALYSIS USING THE INTOXILYZER MODEL 5000 FOR BREATH SPECIMENS.

This analysis is on the breath specimen from:

\_\_\_\_\_  
(Name of Person Tested)

### **CHECK TO SHOW COMPLETION**



Prior to step 1, verify that maintenance, repair, and calibration verification have been performed by reviewing the maintenance record.



1. Turn the instrument on if off.



2. Observe the subject for 15 minutes prior to testing. No smoking during this waiting period.  
Record the time observation began: \_\_\_\_\_



3. Push "START TEST" Button and insert test record card when instructed to do so.



4. Attach a clean mouthpiece when instructed to "Please Blow".



5. Have the subject blow into the breath tube until a sufficient sample is delivered. If the breath sample is insufficient the display panel will instruct you to "PLEASE BLOW" and will continue to do so until a proper test is completed. The testing device will terminate the test if a proper breath test has not been obtained in three minutes.



6. SUBJECT DIGITAL READING: 0. \_\_\_\_\_ of a gram of alcohol per 210 liters of breath.



7. Discard the used mouthpiece and remove the card at completion of printing.



8. Turn instrument off unless continued use is needed.

\_\_\_\_\_  
Permit Holder

\_\_\_\_\_  
(Date)